

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, DECEMBER 20, 2005**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Larry Hudkins, Chair  
Deb Schorr, Vice Chair  
Bernie Heier  
Ray Stevens  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, December 13, 2005.**

**MOTION:** Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated December 13, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

**A. Dennis Banks, Youth Services Director, was recognized and presented a plaque for over 25 years of dedicated service to the citizens and youth of Lancaster County.**

- 3) **CLAIMS: Approval of all claims processed through Tuesday, December 20, 2005.**

**MOTION:** Stevens moved and Heier seconded approval of all claims processed through December 20, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

- A. County Final Plat No. 05002, Mustang Ridge Addition, requested by Brian D. Carstens and Associates on behalf of Aspen Builders, for four lots on property generally located southeast of the intersection of Northwest 27<sup>th</sup> Street and West Agnew Road in Lancaster County, Nebraska. (See New Business Item 5A and 5B for correlating documentation.)**

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The oath was administered to Jill Schuerman with Brian Carstens and Associates.

Schuerman indicated the final plat is in conformance with the preliminary plat and the community unit plan. She added that there have been no changes.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

- B. County Final Plat No. 05096, Nature Meadows Addition, requested by Brian D. Carstens and Associates on behalf of Craig Gana, for four lots and four outlots on property generally located northwest of the intersection of South 120<sup>th</sup> Street and Stagecoach Road in Lancaster County, Nebraska. (See New Business Item 5C and 5D for correlating documentation.)**

The Chair opened the public hearing and asked if anyone wished to provide testimony.

Schuerman said there have been no changes and the final plat is in conformance with the preliminary plat and the community unit plan.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) PUBLIC HEARINGS CONTINUED:

C. County Board of Zoning Appeals No. 05002, requested by Architectural Design Associates, for a variance of the parking required from 209 stalls to 12 stalls on property generally located at 290 South 134<sup>th</sup> Street in Lancaster County, Nebraska. (See New Business Item 5E for correlating documentation.)

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The oath was administered to Dick Bergt with Architectural Design Associates and Rudy Strnot, applicant.

Bergt explained that Rudy Strnot appeared before the County Board earlier in 2005 to request a zoning change to "B" zoning, however, they have since found "B" zoning in the County requires one parking stall for every 200 square feet. He indicated they are requesting a variance relating to the parking stalls from 209 stalls to 12 stalls.

Bergt added that he received approximately ten calls from neighbors who expressed no opposition to the variance.

Discussion followed regarding the preliminary design versus the final design and the number of parking stalls.

The oath was administered to Kristy Mundt, Deputy County Attorney.

Mundt stated the County Attorney's Office is not opposed to reducing the number of parking stalls from 209 to 12, however, it is their position that the request be done through a text amendment instead of a zoning appeal. She explained that there are specific powers granted through the State Statute. The general concept of granting a variance to the zoning regulations is when there is a peculiar, exceptional, and unusual circumstance. Mundt stated it is their concern that anyone else who constructs a mini storage facility in the County would have the same concerns regarding the number of parking stalls.

Discussion followed regarding a text amendment to the zoning regulations.

**MOTION:** Workman moved to approve County Board of Zoning Appeals No. 05002 and to direct Planning staff to proceed with a text amendment to the zoning regulations relating to parking stalls.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

Heier asked for clarification of the motion.

Workman indicated the motion was to approve the Board of Zoning Appeals recommendation for a variance allowing 12 parking stalls at the storage facility recognizing that a hardship exists.

Workman withdrew his motion.

5) **NEW BUSINESS:**

A. **A resolution in the matter of County Final Plat No. 05002, Mustang Ridge Addition, requested by Brian D. Carstens and Associates on behalf of Aspen Builders, for four lots on property generally located southeast of the intersection of Northwest 27<sup>th</sup> Street and West Agnew Road in Lancaster County, Nebraska. (R-05-0161)**

B. **A subdivision agreement with Robert and Michelle Benes for County Final Plat No. 05002, Mustang Ridge Addition, on property generally located southeast of the intersection of Northwest 27<sup>th</sup> Street and West Agnew Road in Lancaster County, Nebraska. (C-05-0609)**

New Business Items 5A and 5B were read together.

**MOTION:** Stevens moved and Workman seconded approval of Resolution 05-0161 in the matter of County Final Plat No. 05002, Mustang Ridge Addition, and approval of a subdivision agreement with Robert and Michelle Benes for County Final Plat No. 05002, Mustang Ridge Addition. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

C. **A resolution in the matter of County Final Plat No. 05096, Nature Meadows Addition, requested by Brian D. Carstens and Associates on behalf of Craig Gana, for four lots and four outlots on property generally located northwest of the intersection of South 120<sup>th</sup> Street and Stagecoach Road in Lancaster County, Nebraska. (R-05-0162)**

5) **NEW BUSINESS CONTINUED:**

- D. A subdivision agreement with DGD, L.L.C., Jon and Christina Barber and Chad and Kathleen Gustin for County Final Plat No. 05096, Nature Meadows Addition, on property generally located northwest of the intersection of South 120<sup>th</sup> Street and Stagecoach Road in Lancaster County, Nebraska. (C-05-0610)**

New Business Items 5C and 5D were read together.

**MOTION:** Stevens moved and Heier seconded approval of Resolution 05-0162 in the matter of County Final Plat No. 05096, Nature Meadows Addition, and a subdivision agreement with DGD, L.L.C., Jon and Christina Barber and Chad and Kathleen Gustin for County Final Plat No. 05096, Nature Meadows Addition. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

- E. A resolution in the matter of County Board of Zoning Appeals No. 05002, requested by Architectural Design Associates, for a variance of Section 7.007 of the Lancaster County Zoning Resolution reducing the parking required from 209 stalls to 12 stalls for property generally located southeast of South 134<sup>th</sup> and "O" Streets in Lancaster County, Nebraska. (R-05-0163)**

**MOTION:** Workman moved and Heier seconded approval of Resolution 05-0163 in the matter of County Board of Zoning Appeals No. 05002, requested by Architectural Design Associates, for a variance of Section 7.007 of the Lancaster County Zoning Resolution reducing the parking required from 209 stalls to 12 stalls for property generally located southeast of South 134<sup>th</sup> and "O" Streets in Lancaster County, Nebraska.

Heier requested that the resolution include the word 'hardship' .

Both the maker of the motion and the seconder concurred to include the word 'hardship' in Resolution 05-0163.

**ROLL CALL:** Workman, Schorr, Heier and Hudkins voted aye. Stevens voted no. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Workman moved and Stevens seconded to direct the Planning Department to proceed with a text amendment to the County Zoning Regulations to reflect similar wording as that used by the City of Lincoln relating to parking requirements for mini storage facilities. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

**F. A resolution authorizing the installation of two temporary 20-ton weight limit signs for County Bridge C-91 located on West Raymond Road .15 mile west of North 1<sup>st</sup> Street until the structure can be repaired. One sign will be located at the east end of the bridge for westbound traffic with a second sign to be located at the west end of the bridge for eastbound traffic. (R-05-0164)**

**MOTION:** Stevens moved and Heier seconded approval of Resolution 05-0164 authorizing the installation of two temporary 20-ton weight limit signs for County Bridge C-91 located on West Raymond Road .15 mile west of North 1<sup>st</sup> Street until the structure can be repaired. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

**G. A resolution instituting eminent domain proceedings against David W. Bratcher, Project C55-M-407(1), Tract No. 16, on West Adams Street from 64th Street to 76th Street. (R-05-0165)**

**MOTION:** Heier moved and Workman seconded approval of Resolution 05-0165 instituting eminent domain proceedings against David W. Bratcher, Project C55-M-407(1), Tract No. 16, on West Adams Street from 64th Street to 76th Street. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

**H. An application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for a University of Nebraska-Lincoln formal on Saturday, January 21, 2006 from 7 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lancaster County, Nebraska.**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Heier moved and Stevens seconded approval of an application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for a University of Nebraska-Lincoln formal on Saturday, January 21, 2006 from 7 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lancaster County, Nebraska. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

- I. An agreement with Continuum Employee Assistance for an employee assistance program for County employees. Term of the agreement is January 1, 2006 to December 31, 2008. The County will pay Continuum \$22,100 for the first year, \$22,700 for the second year and \$23,400 for the third year. (C-05-0611)**

**MOTION:** Schorr moved and Stevens seconded approval of an agreement with Continuum Employee Assistance for an employee assistance program for County employees. Term of the agreement is January 1, 2006 to December 31, 2008. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

- J. Utility Permit No. 787 for the City of Waverly, through Gen-Mech Contractors, Inc., to construct a water line in County right-of-way on North 148<sup>th</sup> Street from Jamestown to a point approximately 360 feet north of the intersection on Fletcher Avenue between North 1<sup>st</sup> and North 14<sup>th</sup> Streets. (C-05-0612)**

**MOTION:** Workman moved and Heier seconded approval of Utility Permit No. 787 for the City of Waverly, through Gen-Mech Contractors, Inc., to construct a water line in County right-of-way on North 148<sup>th</sup> Street from Jamestown to a point approximately 360 feet north of the intersection on Fletcher Avenue between North 1<sup>st</sup> and North 14<sup>th</sup> Streets.

Larry Worrell, County Surveyor, indicated that Fletcher Avenue between North 1<sup>st</sup> and North 14<sup>th</sup> Streets should be stricken.

**ROLL CALL:** Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- K. A contract between Lancaster County and Evercom d/b/a Securus for resident telephone services for the Lancaster County Youth Services Center. No County funds will be used for the contract. The County will receive a commission for contracting with the provider to have exclusive right to providing the services. Term of the contract is for a three year period beginning on or about January 1, 2006.  
(C-05-0617)**

This item was held until January 10, 2006.

- L. Acceptance of a grant award from Woods Charitable Fund, on behalf of the Lancaster County Youth Services Center, in support of the Center's horticultural program. The grant award is in the amount of \$3,780 for staff support for the program with an additional amount of grant funding up to \$3,000 for development of an evaluation method to track the impact of the horticultural program.**

**MOTION:** Heier moved and Workman seconded acceptance of a grant award from Woods Charitable Fund, on behalf of the Lancaster County Youth Services Center, in support of the Center's horticultural program. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- M. Request for Community Development Block Grant (CDBG) grant funds by Lancaster County, Nebraska relating to CDBG Grant No. 04-ED-024. The project is for the development of a Tractor Supply Company (TSC) retail sales distribution center.**

Troy Gagner, Economic Development Coordinator, gave a brief explanation regarding the request.

**MOTION:** Stevens moved and Heier seconded approval of a request for Community Development Block Grant (CDBG) grant funds by Lancaster County, Nebraska relating to CDBG Grant No. 04-ED-024. The project is for the development of a Tractor Supply Company (TSC) retail sales distribution center. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**N. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Metroplex Control Systems, in the amount of \$12,150, for the Corrections security system upgrade.**

**MOTION:** Schorr moved and Stevens seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Metroplex Control Systems, in the amount of \$12,150, for the Corrections security system upgrade. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

**O. Election of officers for the Lancaster County Board of Commissioners for 2006.**

**MOTION:** Workman moved and Heier seconded to nominate Commissioner Deb Schorr as Chair of the Lancaster County Board of Commissioners for 2006. Workman, Stevens, Heier and Hudkins voted aye. Schorr abstained from voting. Motion carried.

**MOTION:** Heier moved and Stevens seconded to nominate Commissioner Bob Workman as Vice Chair of the Lancaster County Board of Commissioners for 2006. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

**P. A political subdivision tort claim filed against the Corrections Department by Martel Toles for commissary items, in the amount of \$48.**

**MOTION:** Schorr moved and Stevens seconded to deny a political subdivision tort claim filed against the Corrections Department by Martel Toles for commissary items, in the amount of \$48. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

**Q. A political subdivision tort claim filed against the Corrections Department by Kashaun McMorris for lost property, in the amount of \$375.**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Heier moved and Workman seconded to deny a political subdivision tort claim filed against the Corrections Department by Kashaun McMorris for lost property, in the amount of \$375. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

**R. Reappointments and appointments to the Lincoln-Lancaster Women's Commission for two year terms to expire January, 1, 2008:**

- ▶ Jeannine Falter (reappointment)
- ▶ Bethina Moore (reappointment)
- ▶ Giovanni Jones (new appointment)
- ▶ Kaci Lynch (new appointment)

**MOTION:** Stevens moved and Schorr seconded approval of the reappointments and appointments to the Lincoln-Lancaster Women's Commission as recommended. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

1. Clerk of the District Court's Monthly Report for November, 2005.
2. County Assessor/Register of Deeds Monthly Report for November, 2005.

**B. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:**

- ▶ Dale A., Christopher D. and Jo A. Farabee, in the total amount of \$17,143.75, near the South 68<sup>th</sup> Street Viaduct; Project No. C55-S-401(6) (2 contracts) (C-05-0613 and C-05-0614)
- ▶ 3801 Harney, L.L.C. 1,440 feet east of Northwest 27<sup>th</sup> Street; Project No. C.P.F-105. This is a donation. (C-05-0615)
- ▶ Beverly A. Housel, in the amount of \$73, on West Mill Road east of Northwest 140<sup>th</sup> Street; Project No. C.P.E-77. (C-05-0616)

6) **CONSENT ITEMS CONTINUED:**

**MOTION:** Schorr moved and Stevens seconded approval of the Consent Items. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

7) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:52 p.m.. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, DECEMBER 20, 2005  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Larry Hudkins, Chair  
Deb Schorr, Vice Chair  
Bernie Heier  
Ray Stevens  
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:52 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 13, 2005.**

**MOTION:** Stevens moved and Schorr seconded approval of the minutes of the Board of Equalization meeting dated December 13, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 35 additions and deductions to the tax assessment rolls per Attachment "A".**

**MOTION:** Heier moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

City Impact  
Lincoln Christian School  
Mosaic (Martin Luther Home)  
New Bethel Bibleway Apostolic Temple

**MOTION:** Workman moved and Schorr seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **APPEAL ON LATE FILING PENALTY ON PERSONAL PROPERTY:**

Russwood Chrysler

Norm Agena, County Assessor/Register of Deeds, recommended denial of the appeal.

**MOTION:** Heier moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the appeal on a late filing penalty on personal property for Russwood Chrysler. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:57 p.m.. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
County Clerk